

REMARKS

Responsive to a Notice of Non-Compliant Amendment mailed November 17, 2008, Applicant submits herewith a corrected version of claim amendments that lists previously omitted claim 96 as well as new claims 97-101. Applicant respectfully submits that the fee underpayment identified by the Notice has been remedied in conjunction with the filing of this amendment.

The Notice indicates that all claim amendments including claims in excess of the number previously paid for have not been entered. Hence, the claim listing submitted herewith includes claim amendments submitted on October 14, 2008 and on November 4, 2008.

I. Introduction

Claims 1-4, 7, 14, 20-22, 25, 27, 40-61, and 73-85 have been amended. Claims 97-101 have been added. No claims have been canceled. Applicant respectfully submits that no new matter has been added. Applicant respectfully requests reconsideration of the pending application in view of the foregoing amendments and the following remarks.

II. Allowable Subject Matter

Applicant appreciates the Examiner's indication of allowable subject matter and the courtesies extended during a phone interview on September 25, 2008. To facilitate prosecution of the present application, Applicant respectfully submits that all claims have been amended to be within the ambit of the allowable subject matter indicated by the Examiner.

III. Rejections under 35 U.S.C. § 112

Claim 25 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action asserts that claim 25 depends on itself. Applicant respectfully submits that claim 25 was amended to depend from claim 21 in a preliminary amendment received by the Patent Office on January 3, 2007. Applicant respectfully requests that the rejection under 35 U.S.C. § 112 of claim 25 be withdrawn.

Claims 21-40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action points out that claim 21 recites "a supplier-associated bid request" at a point where it should instead recite "a buyer-associated bid request." Applicant has amended claim 21 accordingly. Applicant respectfully requests that the rejection under 35 U.S.C. § 112 of claims 21-40 on this basis be withdrawn.

Claims 41-60 and 73-84 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Office Action asserts that it is unclear whether claims 41-60 and 73-84 should be interpreted as an article of manufacture or a system because the claims recite computer-executable instructions in a computer-readable medium. In response, Applicant has amended each of claims 41-60 and 73-84 to be a computer-readable medium claim in a form similar to that suggested by the Examiner. Applicant respectfully requests that the 35 U.S.C. § 112, rejection of claims 41-60 and 73-84 be withdrawn.

IV. Rejection under 35 U.S.C. § 103 of Claims 1-6 and 10-20

Claims 1-4, 14 and 20 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2004/0210490 to Almstead et al. ("Almstead") and U.S. Patent Publication No. 2002/0198818 to Scott et al. ("Scott"). Claims 5-6, 11-13, and 15-19 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead and Scott in view of various Official Notices. However, independent claim 1 has been amended to recite, *inter alia*, the following features:

- 1) Transmitting the supplier bid response;
- 2) Receiving a subcontracting-entity bid response;
- 3) Receiving a selection of at least a portion of bid response data included in the subcontracting-entity bid response; and
- 4) Updating the supplier bid response with the selected at least a portion of the bid response data included in the subcontracting-entity response.

Applicant respectfully submits that amended claim 1 patentably distinguishes over Almstead and Scott and is in accordance with the subject matter indicated by the Examiner to be allowable. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 1 as unpatentable over Almstead and Scott be withdrawn.

Claims 2-6 and 10-20 depend from and further restrict claim 1 in a patentable sense. For at least the reasons given with respect to claim 1, Applicant respectfully submits that claims 2-6, and 10-20 patentably distinguish over Almstead, Scott, and the Official Notices. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 2-6 and 10-20 be withdrawn.

V. Rejection under 35 U.S.C. § 103 of Claims 21-26 and 30-40

Claims 21-26 and 30-40 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead in view of Scott and Official Notices. Independent claim 21 has been amended to expressly include subject matter indicated by the Office Action to distinguish over Almstead, Scott, and the Official Notices. For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 21 be withdrawn.

Claims 21-26 and 30-40 depend from and further restrict claim 21 in a patentable sense. For at least the reasons given with respect to claim 21, Applicant respectfully submits that claims 21-26 and 30-40 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 21-26 and 30-40 be withdrawn.

VI. Rejection under 35 U.S.C. § 103 of Claims 41-46 and 50-60

Claims 41-44 and 54 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead in view of Scott. Claims 45-46, 50-53, and 55-60 stand rejected 35 U.S.C. § 103 as being unpatentable over Almstead and Scott in view of various Official Notices. Independent claim 41 has been amended to expressly include subject matter indicated by the Office Action to distinguish over Almstead, Scott, and the Official Notices. For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 41 be withdrawn.

Claims 41-46 and 50-60 depend from and further restrict claim 41 in a patentable sense. For at least the reasons given with respect to claim 41, Applicant respectfully submits that claims

41-46 and 50-60 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 41-46 and 50-60 be withdrawn.

VII. Rejection under 35 U.S.C. § 103 of Claims 61-72

Claims 61-62 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead in view of U.S. Patent Publication No. 2003/010112 to Cornelius ("Cornelius"). Claims 63-72 stand rejected 35 U.S.C. § 103 as being unpatentable over Almstead and Cornelius in view of various Official Notices. Independent claim 61 has been amended to expressly include subject matter indicated by the Office Action to distinguish over Almstead, Cornelius, and the Official Notices. For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 61 be withdrawn.

Claims 62-72 depend from and further restrict claim 61 in a patentable sense. For at least the reasons given with respect to claim 61, Applicant respectfully submits that claims 62-72 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 62-72 be withdrawn.

VIII. Rejection under 35 U.S.C. § 103 of Claims 73-84

Claims 73 and 74 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead in view of Cornelius. Claims 75-84 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead and Cornelius in view of various Official Notices. Independent claim 73 has been amended to expressly include subject matter indicated by the Office Action to distinguish over Almstead, Cornelius, and the Official Notices. For this reason, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 73 be withdrawn.

Claims 74-84 depend from and further restrict claim 73 in a patentable sense. For at least the reasons given with respect to claim 73, Applicant respectfully submits that claims 74-84 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 74-84 be withdrawn.

IX. Rejection under 35 U.S.C. § 103 of Claims 85-95

Claims 85-95 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead in view of Cornelius. Claims 87-95 stand rejected under 35 U.S.C. § 103 as being unpatentable over Almstead and Cornelius in view of various Official Notices. Independent claim 85 has been amended to expressly include subject matter indicated by the Office Action to distinguish over Almstead, Cornelius, and the Official Notices. For at least this reason, Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claim 85 be withdrawn.

Claims 86-95 depend from and further restrict claim 85 in a patentable sense. For at least the reasons given with respect to claim 85, Applicant respectfully submits that claims 86-95 are also in condition for allowance. Applicant respectfully requests that the 35 U.S.C. § 103 rejection of claims 86-95 be withdrawn.

X. Claim 96

Claim 96 depends from and further patentably restricts independent claim 85. Applicant respectfully submits that, for at least the reasons given with respect to independent claim 85, claim 96 is also in condition for allowance.

XI. New Claims 97-101

New claims 97-101 each depend from and further patentably restrict one of independent claims 1, 21, 41, and 61. For at least the reasons given with respect to claims 1, 21, 41, and 61, Applicant respectfully submits that claims 97-101 are also in condition for allowance.

XII. Conclusion

In view of the foregoing amendments and remarks, Applicant believes the application to be in condition for allowance. A Notice to that effect is respectfully requested.

Dated: December 17, 2008

Respectfully submitted,

Electronic signature: /Ross T. Robinson/

Ross T. Robinson

Registration No.: 47,031

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

(214) 745-5400

Attorneys For Applicant